



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 053969/0128

#7  
S.I.  
12-02-03

Applicant: Takahiro HOSOMI

Title: SPREAD SPECTRUM COMMUNICATION SYSTEM AND  
METHOD THEREFOR

Serial No.: 09/891,235

Filed: June 27, 2001

Examiner: Unassigned

Art Unit: 2631

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INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.56 and 37 CFR §1.97

TC 2600

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR 1.97 and 1.98.

The submission of any documents herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie prior art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The instant Information Disclosure Statement is believed to be filed in accordance with 37 C.F.R. 1.97(b), prior to the mailing date of a first Office Action on the merits (first scenario). If that is not the case, such as in a second scenario in which a first Office Action on the merits has been mailed before the filing of the instant Information Disclosure Statement, then either a certification or fee is required, and a certification is provided below. If neither of the first or second scenarios is the case, such as if a final Office Action or a notice of allowance has been mailed by the PTO (third scenario), then both a certification and fee are required, and in that case a certification is provided below and also the PTO is authorized to obtain the necessary fee to have the instant IDS considered, from Foley & Lardner Deposit Account #19-0741.

**CERTIFICATION**

The undersigned hereby certifies in accordance with 37 C.F.R. §1.97(e)(1) that items of information A5, A6 and A7 listed on the Form PTO-SB/08 submitted with this Information Disclosure Statement were first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement. Items of information A1, A2 and A4 are U.S. Patents that are counterparts to items of information A5, A6 and A7, respectively (whereby A5, A6 and A7 are Chinese patent applications); and item of information A3 is a U.S. Patent that is a CIP of item of information A1.

**RELEVANCE OF EACH DOCUMENT**

A translation of a portion of a Chinese Office Action that issued August 1, 2003 with respect to a counterpart Chinese patent application is provided below.

"The present invention relates to a spread spectrum communication system and a method therefor. Upon examination, comments are provided as below:

1. Independent claim 1 is rejected under Article 22(2) of the Chinese Patent Law as lacking novelty over reference 1 (CN1

1 85702A, hereinafter referred to as D1). Said claim is directed to a spread spectrum communication system. D1 discloses a means and a method for controlling spread spectrum communication power as well as bandwidth (c.f. the Abstract, claims 1-20, lines 23-26 on page 15 and lines 21-30 on page 16 thereof). Specifically, it discloses that the system controls the transmission bandwidth and the transmission power via said control means per signal quality. As can be seen, D1 has disclosed all the technical features of the current claim 1; both D1 and claim 1 belong to the same technical field and produce the same technical effect. Therefore, claim 1 does not possess novelty.

2. Dependent claim 2 is rejected under Article 22(3) of the Chinese Patent Law as lacking inventive steps over D1 in view of reference 2 (CN1 140938A, hereinafter referred to as D2). D2 discloses a CDMA receiver which indicates communication quality by code error rate (c.f. the Abstract thereof). It is obvious to those skilled in the art to obtain the technical solution in the current claim 2 on the basis of D1 in view of D2. Therefore, claim 2 is not inventive.

3. Dependent claims 3-8 are rejected under Article 22(3) of the Chinese Patent Law as lacking inventive steps over D1.

D1 teaches that the system may adjust the bandwidth and control the power via status locking by comparing the communication quality with two preset thresholds, hence realizing the best utilization of the bandwidth and the power. When the communication quality reaches a preset threshold, the status will be locked. Upon quality decline through communication, either the bandwidth may be broadened or the power may be strengthened; while in the situation where communication quality is guaranteed, either the bandwidth may be narrowed or the power may be weakened. If the communication quality is within two thresholds in a certain locking status, the current bandwidth and transmission power may be maintained (c.f. the Abstract, claims 1-20, lines 23-26 on page 15 and lines 21-30 on page 16 thereof). As to the technical solutions in the said claims 3-8 which define that any one of the two resources (the bandwidth and the power) may be further explored when it is still available, and that any one of the two resources (the bandwidth and the power) will be adjusted only when the other is exhausted, they are obvious to those skilled in the art on the basis of D1 when adopted for controlling the utilization of resources. Therefore, claims 3-8 are not inventive upon the cited claim 1 that is rejected as lacking novelty.

4. Claims 9 and 10 are rejected under Article 22(3) of the Chinese Patent Law as lacking inventive steps. It is common

knowledge among those skilled in the art that a chip rate or a data rate is usually varied for broadening transmission bandwidth. Therefore, claims 9 and 10 are not inventive upon the cited claim 1 that is rejected as lacking novelty.

5. Dependent claim 11 is rejected under Article 22(3) of the Chinese Patent Law as lacking inventive steps over DI in view of reference 3 (CN1197339A, hereinafter referred to as D3). D3 discloses a mobile radio receiver with self-adaptive auto-gain control, teaching to control bandwidth by varying the number of error correction codes (c.f. lines 3-24 on page 4 thereof). It is obvious to those skilled in the art to obtain the technical solution in the current claim 11 on the basis of DI in view of D3. Therefore, claim 11 is not inventive.

6. Independent claim 12 is rejected under Article 22(2) of the Chinese Patent Law as lacking novelty over DI.

Said claim is directed to a spread spectrum communication method. DI discloses a means and a method for the control of spread spectrum communication power as well as bandwidth (c.f. the Abstract, claims 1-20, lines 23-26 on page 15 and lines 21-30 on page 16 thereof). Specifically, it discloses that the system controls the transmission bandwidth and transmission power via said control means per signal quality. As can be seen, DI has disclosed all the technical features of the current claim 12; both DI and claim 12 belong to the same technical field and produce the same technical effect. Therefore, claim 12 does not possess novelty.

7. Dependent claims 13-22 are all rejected under Article 22(3) of the Chinese Patent Law as lacking inventive steps.

Dependent claim 13 does not possess inventiveness, please see comments on claim 2 for details; Dependent claims 14-19 do not possess inventiveness, please see comments on claims 3-8 for details;

Dependent claims 20-21 do not possess inventiveness, please see comments on claims 9-10 for details;

Dependent claim 22 does not possess inventiveness, please see comments on claim 11 for details;

As stated above, independent claims 1 and 12 lack novelty; dependent claims 2-11 and 12-22 lack inventiveness; and the Description does not record any substantive features worth granting. Therefore, the present application is not expected to

obtain a patent right even after recombination of the Claim and/or further definition thereto per the Description. Meanwhile, convincing arguments should be provided within the time limit designated herein. Otherwise, this application will be rejected."

Applicant's statements regarding the Chinese Office Action are based on a partial translation that Applicant's representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Chinese Office Action.

Applicant respectfully requests that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO SB/08 be returned in accordance with MPEP §609.

Respectfully submitted,

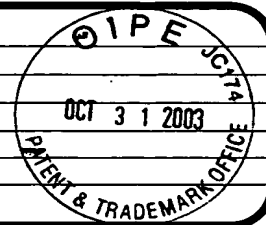
October 31, 2003  
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Substitute for form 1449B/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  Date Submitted: October 31, 2003 <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>09/891,235</td> </tr> <tr> <td>Filing Date</td> <td>06/27/2001</td> </tr> <tr> <td>First Named Inventor</td> <td>Takahiro HOSOMI</td> </tr> <tr> <td>Group Art Unit</td> <td>2631</td> </tr> <tr> <td>Examiner Name</td> <td>Unknown</td> </tr> <tr> <td>Attorney Docket Number</td> <td>053969-0128</td> </tr> </table>		Application Number	09/891,235	Filing Date	06/27/2001	First Named Inventor	Takahiro HOSOMI	Group Art Unit	2631	Examiner Name	Unknown	Attorney Docket Number	053969-0128
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U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	A1	5,754,583		EBERHARDT et al.	05/19/1998	
	A2	5,758,271		RICH	05/26/1998	
	A3	5,930,288		EBERHARDT	07/27/1999	
	A4	6,070,062		YOSHIDA et al.	05/30/2000	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	A5	CN	1140938			01/22/1997		X
	A6	CN	1185702			06/24/1998		X
	A7	CN	1197339			10/28/1998		X

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OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.			T <sup>6</sup>

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.